

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK J. BOOTH,

Plaintiff,

v.

GAVIN NEWSOM, et al.,

Defendants.

No. 2:20-cv-1562 DJC AC P

ORDER SETTING SETTLEMENT
CONFERENCE

Plaintiff is a state prisoner proceeding without counsel, in this civil rights action pursuant to 42 U.S.C. § 1983. The court has determined that this case will benefit from a settlement conference. Therefore, this case will be referred to Magistrate Judge Jeremy D. Peterson to conduct a settlement conference on April 4, 2024, at 9:30 a.m. The settlement conference will be conducted by remote means, with all parties appearing by Zoom video conference. The court will issue the necessary transportation order in due course.

The court expects that the parties will proceed with the settlement conference in good faith and attempt to resolve all or part of the case. If any party believes that the settlement conference will not be productive, that party shall so inform the court as far in advance of the settlement conference as possible.

In accordance with the above, IT IS HEREBY ORDERED that:

1. The case is set for a settlement conference before Magistrate Judge Jeremy D.

1 Peterson on April 4, 2024, at 9:30 a.m. The settlement conference will be conducted by remote
2 means, with all parties appearing by Zoom video conference.

3 2. Unless otherwise permitted in advance by the court, the following individuals must
4 attend the settlement conference: (1) all of the attorney(s) who will try the case; and (2)
5 individuals with full authority to negotiate and settle the case, on any terms.

6 3. No later than one week prior to the settlement conference, each party must submit to
7 Judge Peterson's chambers at jdporders@caed.uscourts.gov, or by mail at U.S. District Court,
8 501 I Street, Sacramento, CA 95814, a confidential settlement conference statement. These
9 statements should neither be filed on the docket nor served on any other party. The statements
10 should be marked "CONFIDENTIAL" and should state the date and time of the conference. The
11 statements should not be lengthy but should include:

- 12 a. A brief recitation of the facts;
- 13 b. A discussion of the strengths and weaknesses of the case;
- 14 c. An itemized estimate of the expected costs for further discovery, pretrial, and
15 trial matters, in specific dollar terms;
- 16 d. Your best estimate of the probability that plaintiff will obtain a finding of
17 liability should this case proceed to trial, in percentage terms;
- 18 e. Should this case proceed to trial and defendant be found liable, please provide
19 the following, in specific dollar terms:
 - 20 i. A realistic high-end recovery estimate (i.e., realistic best- or worst-case
21 scenario);
 - 22 ii. A realistic low-end recovery estimate (i.e., realistic worst- or best-case
23 scenario); and
 - 24 iii. A best estimate of the most likely outcome;
- 25 f. A history of settlement discussions, including:
 - 26 i. A statement of your expectations for settlement discussions;
 - 27 ii. A listing of any past and present settlement offers from any party
28 (including all terms); and

iii. Whether your party would consider making the opening offer or demand, and what that offer might be¹;

- g. A list of the individuals who will be participating in the settlement conference on your party's behalf, including each participant's name and, if appropriate, title;
- h. Plaintiff's anticipated release date;
- i. An estimate of restitution and fees, including court fees and filing fees, owed by plaintiff; and
- j. Identification of any related cases or of any other cases that the parties might wish to discuss at this settlement conference.

4. Judge Peterson or another representative from the court will be contacting the parties either by telephone or in person, approximately two weeks prior to the settlement conference, to ascertain each party's expectations of the settlement conference.

5. The Clerk of the Court is directed to serve a copy of this order on the Litigation Office at Mule Creek State Prison via facsimile at (209) 274-5018 or via email.

DATED: February 6, 2024

Allison Claire
ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

¹ Please note that Judge Peterson will consider this response, among others, in evaluating whether proceeding with a settlement conference appears worthwhile.